United Nations S/2004/206

Security Council

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Letter dated 15 March 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with reference to Security Council document S/2004/20, dated 14 February 2004, I have the honour to inform you that the Lebanese Republic requests that the questions detailed below be retained for further discussions at future meetings of the Security Council. The following questions are listed in paragraph 8 of the above-mentioned document:

1. The Palestine question.

16. The Middle East problem, including the Palestinian question.

19. The question of the exercise by the Palestinian people of its inalienable rights.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

04-27771 (E) 220304

United Nations S/2004/207

Security Council

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Letter dated 15 March 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 1526 (2004), adopted by the Security Council on 30 January 2004, concerning Al-Qaida and the Taliban and associated individuals and entities.

In paragraph 6 of the resolution, the Security Council decided to establish, for a period of 18 months, a New York-based Analytical Support and Sanctions Monitoring Team to assist the Al-Qaida and Taliban Sanctions Committee in the fulfilment of its mandate.

In paragraph 7, the Security Council requested me to appoint, acting in close consultation with the Committee, no more than eight members of the Monitoring Team, including a Coordinator, who demonstrate one or more of the following areas of expertise related to activities of the Al-Qaida organization and/or the Taliban, including: counter-terrorism and related legislation; financing of terrorism and international financial transactions, including technical banking expertise; alternative remittance systems, charities, and use of couriers; border enforcement, including port security; arms embargoes and export controls and drug trafficking.

Following consultation with the above Committee, I wish to inform you that I have appointed the following eight experts:

Mr. Richard Barrett (United Kingdom of Great Britain and Northern Ireland)
Mr. Stanislav Frolov (Russian Federation)
Mr. Wilson C. Kalumba (Zambia)
Mr. Franck Kasbarian (France)
Ms. Christine Lee (Singapore)
Mr. Ashraf Mohsen (Egypt)
Mr. Gary J. Peters (United States of America)
Ms. Lynne Walker (Australia)

I have also selected Mr. Barrett to serve as the Coordinator of the Monitoring Team.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-27166 (E) 150304 150304

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Letter dated 15 March 2004 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter from the Burundian Minister for Foreign Affairs and Cooperation, Mr. Térence Sinunguruza, addressed to you (see annex).

I should be grateful if you could have my letter and its annex circulated as a document of the Security Council.

(*Signed*) Marc **Nteturuye**
Permanent Representative

04-27277 (E) 170304 180304

Annex to the letter dated 15 March 2004 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Acting on instructions from my Government I have the honour to reiterate that the Government of Burundi hopes that the Security Council will authorize the sending of a peacekeeping mission to support the implementation of the Arusha Agreement on Peace and Reconciliation in Burundi, signed on 28 August 2000, and of the ceasefire agreements concluded with the armed movements.

The Government of Burundi believes that Burundians have made tremendous efforts to further the peace process and it looks to the United Nations, which is both sponsor and depositary of the Peace Agreement, to contribute to the success of the final phase leading to peace in Burundi, as it has done for other nations.

The African Mission in Burundi has done very commendable work, notwithstanding the inadequate financial and logistical resources at its disposal. We believe that at the present stage it would be a good idea to turn it into a United Nations peacekeeping mission in order to continue with the most sensitive phase of the peace process that should lead to peace at last in Burundi.

The purpose of a peacekeeping operation in Burundi would be to create conditions conducive to the implementation of all the provisions of the agreements that have been signed, and its main tasks would be as follows:

- To encourage the implementation of the Peace Agreement and to create conditions conducive to the conclusion of an overall ceasefire;
- To ensure that the ceasefire was respected;
- To contribute to the confinement and disarmament of combatants, to demobilization and the removal of weapons from the population;
- To help with the setting up of new defence and security forces and the reintegration of the demobilized;
- To secure the work of international investigators and witnesses in the context of the work of the international commission of judicial inquiry and the national truth and reconciliation commission, essential tools for combating impunity and for the national reconciliation campaign;
- To create the security conditions necessary for the return of refugees and internally displaced persons to their property;
- To facilitate humanitarian action and the resumption of reconstruction work and economic development;
- In close collaboration with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and neighbouring countries, to help strengthen security and confidence at the borders by monitoring transborder movements and combating the dangerous circulation of arms in the subregion. The interconnection of the peace processes in the Democratic Republic of the Congo and in Burundi and their impact on the entire subregion needs no further demonstration.

In view of the work to be done, the Government of Burundi believes that such a mission should be provided with substantial means and, above all, with an adequate mandate under chapter VII of the Charter of the United Nations.

The ceasefire is holding in 16 of the country's 17 provinces because the Government, the Conseil nationale pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) and the other armed movements which have joined in the peace process are fulfilling their commitments. However, the ceasefire is a fragile one as armed former combatants continue to move around within the population and any unfortunate incident could rekindle the fire and jeopardize all the progress made thus far. The Forces nationales de libération of Agathon Rwasa have not yet come to the negotiating table, although there is a very real possibility that they will lay down their arms.

Moreover, the end of the transition period, which is scheduled for 1 November 2004, presupposes that general elections will be held in October. This will require that certain political, security, psychological and humanitarian conditions be met in order that the elections may be truly peaceful, free, fair and transparent. The presence of a United Nations peacekeeping mission could contribute to the creation of such conditions.

The Burundian people have suffered greatly from the war. They look to the United Nations to provide its customary support so that the progress already made may be consolidated and final peace may be achieved at last. The time for the United Nations to become directly involved is now or never, before it is too late.

I should be grateful if you could have this letter circulated as a document of the Security Council.

(*Signed*) Térence **Sinunguruza**
Minister for Foreign Affairs and Cooperation

United Nations S/2004/209

Security Council

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16 March 2004

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Letter dated 15 March 2004 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In a pattern that is as familiar as it is distasteful, the Permanent Representative of Armenia, in his letter of 1 March 2004 addressed to you (S/2004/168), has once again permitted himself to become utterly engrossed in the plethora of myths, distortions and groundless accusations with regard to my country.

There is a strong temptation to refrain from condescending to the totally misleading, destructive and unprofessional rhetoric that permeated this letter full of slander and libel.

On the other hand, there is a real need to bring clarity to a number of points raised in order to prevent consolidation of another Armenian myth, all of them being faulty and dangerous. I am doing so because I believe in the obvious wisdom of thinking that sometimes the enemy of truth is not a lie but a myth.

It is exactly the myth of assuming that the Nagorny Karabakh region of Azerbaijan has never been part of Azerbaijan and was "transferred by Stalin to Soviet Azerbaijan" that led Armenia to unleash the war of aggression against Azerbaijan through occupation and unlawful annexation of its Nagorny Karabakh region and other occupied territories of Azerbaijan.

It is a historical fact that first Armenians appeared in Karabakh in 1828. This happened as a result of the policies of tsarist Russia, after the end of Russian-Persian wars, to "Armenize" the Azerbaijani Khanate of Karabakh and to plant a long-term source of instability there. The memorial that was mounted by Armenians in Nagorny Karabakh in 1978 on the occasion of the 150th anniversary of arrival of first Armenians from the Persian region of Maraga to Karabakh serves as a clear testimony to this. However, the memorial remained there for only 10 years because, in 1988, when Armenia launched its aggression against Azerbaijan under the pretext of the "realization of the right to self-determination for Armenians in Nagorny Karabakh", the inscription on the memorial, "Maraga — 150", immediately disappeared. It is not difficult to guess why this was done.

The above memorial fixed very important date — when migration of Armenians to Karabakh began.

As to the above-mentioned decision of the Stalin regime, there is irrefutable documentary evidence suggesting that the decision "to retain" (and definitely not "to transfer") Nagorny Karabakh within Azerbaijan was not taken on 5 July 1921 by

Stalin himself, but rather by a collegial body, the Caucasus Bureau of the Russian Communist Party, which was made up of only two Azerbaijanis, several Armenians as well as representatives of other nationalities.

With regard to warmed-over accusations of massacres of Armenians in Sumgayit, Ganja and Baku, I would suggest that my Armenian counterpart, before succumbing to another bout of Azerbaijano-phobia and hysteria, first answer a simple but very pertinent question: would these skillfully thought-out provocations, orchestrated and carried out by Armenian terrorist organization "Krunk" and the Soviet KGB, have occurred back in 1988 had it not been for the forceful and inhumane deportation by Armenia, in late 1987 and early 1988, of 200,000 ethnic Azerbaijanis who had lived in the Kafan and Megri regions of Armenia for centuries? Many of those terrorized people, deprived of everything they had, found their temporary refuge in the city of Sumgayit and other cities and towns of Azerbaijan.

The Armenian side will probably have a hard time explaining the fact that several days before the events several Armenian and other television stations had already arrived in Azerbaijan in order to report on the "forthcoming" pogroms, whereas many well-to-do Armenian families residing in Sumgayit had left the city well in advance of the events.

It is a well-documented fact that in the course of these events, which were aimed at creating the atmosphere of chaos and unrest, Armenians were active participants among those who carried out pogroms, and that one Armenian was even one of the principal murderers and looters during those tragic days — a member of "Krunk", the three-times convicted felon Eduard Grigoryan, who himself murdered five Armenians.

Reference to the response of Azerbaijan to the "peaceful path" chosen by Armenians "to exercise their right to self-determination" is totally misleading and irrelevant. Does Armenia consider the creation of armed formations of militants, the illegal transfer of arms to Nagorny Karabakh, the implementation of acts of sabotage against the Azerbaijani State and, finally, the murder of two Azerbaijani civilians on 24 February 1988 to be "peaceful means of attaining their goals"?

As to the notorious argument that the Armenian aggression against Azerbaijan was carried out in order to ensure the exercise of their right to self-determination by Armenians living in the Nagorny Karabakh region of Azerbaijan, this is nothing more than an Armenian design to use this high principle of international law as a cover and to illegally occupy and annex the territory of a sovereign State — and a Member of the United Nations. Armenians have already exercised their right to self-determination once in the formation of a sovereign State — the Republic of Armenia — and cannot use this pretext to undermine fundamental norms and principles of international law, especially in carrying out their plan by violence and use of force, in violation of the sovereignty and territorial integrity of States.

With regard to the reference to the document of the European Parliament dating back to the time when both Armenia and Azerbaijan were part of the Soviet Union (!), and which the Armenian ambassador decided to take out of the archives in a clear display of a cherry-picking exercise, this came as no surprise to me, since he would have failed to find any relevant reference since that time, especially after the Republic of Azerbaijan became independent, established cooperative relations

with the European Parliament and started to confront the biased and destructive attempts of Armenian circles in Europe lobbying to influence decision-making processes in international instances.

Instead, I would like to bring to your attention another official document of the European Parliament of 26 February 2002, which states that the European Union-Azerbaijan Parliamentary Cooperation Committee session "at the outset of the meeting paid a tribute with the minute of silence to the victims of Khojaly tragedy of 25 and 26 February 1992" and, with reference to the situation in the conflict between Armenia and Azerbaijan over the Nagorny Karabakh region of Azerbaijan:

- "... urged the Organization for Security and Cooperation in Europe (OSCE) Minsk Group to strengthen its efforts and to elaborate proposals to achieve a just, equitable and lasting solution to the conflict on the basis of all principles of sovereignty, territorial integrity and inviolability of state borders;
- "condemned the fait accompli practices, which may not serve as a basis for a settlement, and stressed that neither the current situation within the occupied areas of the Republic of Azerbaijan, nor any action undertaken there to consolidate the status-quo, may be recognized as legally valid;
- "noted with regret the reluctance of Armenia to accept the proposal of Azerbaijan, as supported by the European Union, to withdraw its forces from the occupied territories alongside the Baku-Nakhchivan-Yerevan railway, in combination with restoration of the railway, which represents a unique package of measures for settlement of the conflict and reestablishment of cooperation, and called for the opportunity to be taken to remove the situation from the current stalemate".

Rather than cynically pulling on the mask of a victim and tailoring history to its own narrow selfish interests, Armenia should be ashamed and repentant for the crimes committed against humanity. These crimes have no expiration date, and we are confident that the day will come when the leaders of the criminal regime of Armenia that stood behind and actually perpetrated the Khojaly genocide of Azerbaijanis will be brought to international justice.

Indeed, Armenia perpetrated the crime, which, in its gravity, has taken its place in modern history alongside the acts of genocide that took place in Srebrenica, Rwanda and Burundi. The Azerbaijani-populated town of Khojaly in the Nagorny Karabakh region of Azerbaijan, with approximately 7,000 inhabitants, had been under Armenian siege for more than four months and people were suffering from lack of medical service and food.

On the night of 25 and 26 February 1992, Armenian military units attacked this town, from five directions and completely destroyed and burnt the town, massacring its population.

In the course of one night, Armenian armed units massacred 613 innocent civilians, among them 106 women, 83 children and 70 old people, simply because they were Azerbaijanis. Six families were killed entirely, 25 children lost both parents and 130 children lost one of their parents. More than 1,000 civilians were injured with bullet wounds, 1,275 civilians were taken hostage. Fifty-six people were burnt alive with especial severity and brutality, their heads scalped, skulls

battered and eyes put out, while pregnant women's stomachs were slashed open with bayonets.

The Khojaly massacre was not an accidental outbreak of violence in the course of warfare, but rather a deliberate act of mass murder, with excessive use of force aimed at intimidating the Azerbaijani population of Nagorny Karabakh. That is how one of the perpetrators of the crime, the current defence minister of the Republic of Armenia Serzh Sarkissian, cynically admits to the reason behind Khojaly massacre: "... Before Khojaly, Azerbaijanis thought that they were joking with us, they thought that the Armenians were people who could not raise their hand against the civilian population. We were able to break that stereotype. And that's what happened". *

Another fabrication, which the Armenian ambassador hardly believes himself, is the myth about the constructive and peace-loving approach of Armenia throughout the 12 years of the negotiation process and the alleged intransigence of Azerbaijan.

Is it not Armenia that continued to be in non-compliance with the resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) of the United Nations Security Council?

Is it not the war party in Armenia that has consistently undermined any possible breakthrough in negotiations and toppled the then President of Armenia, L. Ter-Petrossian (after the latter had reached an agreement on the settlement with the former President of Azerbaijan, Heydar Aliyev, and the co-chairmen of the Minsk Group), or rejected other proposals put forward by international mediators?

Is it not Armenia that first creates myths about certain alleged arrangements and then tries to convince the whole world that that is true, thus stalemating the conflict even more?

Finally, is it not Armenia that has rejected any overture of peace proposed by honest international brokers, like the one supported by the European Union on the implementation of certain confidence-building measures to start up the stalemated peace process through withdrawal of Armenian armed forces from the five occupied regions of Azerbaijan (Zangelan, Djabrail, Gubadly, Fizuli and Aghdam) in combination with the restoration of the Baku-Nakhchivan-Yerevan railroad?

This proposal is unacceptable to the "far-sighted" Armenian leadership, comprised of Karabakh war mongers turned national heroes, simply because "poor and long-suffering" Armenia will then be deprived of another of its favourite myths about the so-called "blockade".

As to the tragic incident that occurred in Budapest, one should be extremely cautious in making any foregone conclusions and accusations while the investigation is still under way and not to try to cynically capitalize on this incident to appease internal consumption and misguide the international community.

Lastly, with regard to the accusations against the Azerbaijani leadership of "fuelling aggressiveness" in the society, the Armenian side should be aware of the fact that Azerbaijani society is united as never before in its determination to achieve

* Tomas de Waal, *Black Garden: Armenia and Azerbaijan Through Peace and War*, New York University, 2003, p. 172.

resolution of the conflict by means of eliminating the consequences of Armenian aggression. The leadership of Azerbaijan is committed to the peaceful solution of the conflict on the basis of norms and principles of international law.

What is indeed dangerous is the claim of Armenian President Kocharian, who suggested the thesis of the incompatibility of Azerbaijanis and Armenians and, therefore, the impossibility of their co-existence within one state. I would like to remind him in this regard, of the fact that whereas all Azerbaijanis have been ousted from Armenia and Nagorny Karabakh, there are around 30,000 Armenians still living in Baku and other parts of Azerbaijan.

In conclusion, let me emphasize once more that no matter how actively Armenia tries to camouflage its annexionist plans with regard to sovereign Azerbaijan under the pretext of the high principle of the right of peoples to self-determination, all these efforts, which are in contravention of the Charter of the United Nations and international law, are doomed to failure.

No amount of poorly concocted myths, letters and statements, distorted texts, misinterpretations of history or abusive diplomatic manoeuvers can alter that basic reality. We all have the opportunity to start doing so, today, by rejecting the aggressive and cynical Armenian rhetoric and bringing the aggressor-State and its criminal puppet regime in the occupied Azerbaijani territories to justice.

It is only the ending of the morally bankrupt strategy of aggression glorifying occupation as the national cause that would obviate the need for hatred and contempt, pave the way for a lasting peace and end the suffering of both peoples.

I should be grateful, if you would have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Yashar T. **Aliyev**
Ambassador
Permanent Representative of Azerbaijan to the United Nations

United Nations S/2004/210

Security Council

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Report of the Secretary-General on Burundi

I. Introduction

1. In its presidential statement of 22 December 2003 (S/PRST/2003/30), the Security Council welcomed the recent progress made in the peace process in Burundi and requested me to undertake, as soon as I deemed it convenient, the appropriate preparatory work and assessment on how the United Nations might provide the most efficient support for the full implementation of the Arusha Agreement on Peace and Reconciliation in Burundi of 28 August 2000.

2. Accordingly, I fielded a multidisciplinary assessment mission to Burundi from 16 to 27 February. The mission was led by Behrooz Sadry, my Deputy Special Representative for the Democratic Republic of the Congo, and included representatives of the Department of Peacekeeping Operations, the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights, the Department of Public Information, the Office of Central Support Services, and the Office of the United Nations Security Coordinator. It worked closely with stakeholders on the ground, including the United Nations agencies, and the diplomatic and humanitarian community. The European Union and European Commission sent a team to Burundi to work with the assessment mission in areas of mutual interest, in particular security sector reform. The Government of Japan also sent a team to Burundi to review with the assessment mission areas where the United Nations and Japan could cooperate in bringing peace to the country.

3. The assessment mission worked closely with my Special Representative for Burundi, Berhanu Dinka, and other colleagues of the United Nations Office in Burundi (UNOB), as well as with the Special Representative of the African Union in Burundi, Mamadou Bah, the Force Commander of the African Mission in Burundi (AMIB), Major General Sipho Binda (South Africa), and other African Union and AMIB colleagues. The mission met, inter alia, with the President and Vice-President of the Transitional Government, Domitien Ndayizeye and Alphonse-Marie Kadege, respectively, as well as with the Ministers for Good Governance; Defence; External Relations and Cooperation; the Interior; Public Security; Repatriation, Reinsertion and Reinstallation; Human Rights, Institutional Reforms and Relations with Parliament; and Justice, as well as the Presidents of the Senate and National Assembly, and the newly appointed integrated military Joint Chiefs of Staff. The mission also met with the leaders of the signatory parties to the Arusha Agreement,

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the heads of the armed parties and political movements, and the leaders of the other political parties, and civil society.

II. Findings of the mission

A. Political situation

4. The Arusha Agreement serves as the basis for the transitional process in Burundi, and reflects a number of extensive protocols that address the root causes of the conflict. On 28 August 2000, after intense negotiation among the parties, the Government of Burundi and the majority of the Hutu and Tutsi political parties signed the Agreement, some with reservations, and without a ceasefire having been agreed with some of the armed groups.

5. As noted in my last report on Burundi, dated 4 December 2003 (S/2003/1146), most of the armed political parties and movements have now joined the peace process. Ceasefire agreements were signed by the Transitional Government with CNDD-FDD (Jean Bosco Ndayikengurukiye) and PALIPEHUTU-FNL (Alain Mugabarabona) on 7 October 2002 and with CNDD-FDD (Pierre Nkurunziza) on 2 December 2002. In accordance with those agreements, CNDD-FDD (Ndayikengurukiye) and PALIPEHUTU-FNL (Mugabarabona) joined the government, each with one ministerial post and four seats in the National Assembly.

6. Fighting continued however with the largest armed group, CNDD-FDD (Nkurunziza). On 27 January 2003, after further talks, the Transitional Government and CNDD-FDD (Nkurunziza) signed a joint declaration on the implementation of the ceasefire of 2 December. Additional discussions thereafter led to the signing on 8 October 2003, of a protocol to address political, defence and security power-sharing issues (the Pretoria Protocol) and, on 2 November 2003, of a second Pretoria Protocol on outstanding issues and a Forces Technical Agreement. Those agreements are reflected in the Global Ceasefire Agreement of 16 November 2003. Accordingly, Pierre Nkurunziza has taken up his post as Minister of State for Good Governance and State Inspection. The other three ministerial posts allocated to his movement have also been filled. The group has further named the individuals to fill the 15 seats in the Transitional Assembly designated for it.

7. To date, FNL (Agathon Rwasa) remains the only armed movement outside the peace process. The group reportedly continues to reject the Arusha Agreement on the grounds that it is a power-sharing deal between political elites and neither addresses the plight of the disenfranchised nor brings them into the process. The Transitional Government, on the other hand, has maintained that negotiations with the movement should be conducted on the basis of the Arusha peace process.

8. It will be recalled that, in an effort to address the concerns of FNL (Rwasa), my Special Representative for Burundi organized meetings between its representatives and Tutsi personalities in Nairobi from 30 November to 1 December 2003. Those informal discussions were followed by a meeting, the first of its kind, between President Ndayizeye and a high-level delegation of the armed movement, which was held in the Netherlands from 18 to 21 January 2004. Citing ongoing hostilities, however, FNL (Rwasa) has since cancelled all further meetings with the

Government. In the meantime, the deadline for joining the process imposed on FNL (Rwasa) on 16 November by the Regional Peace Initiative expired on 16 February.

9. Fighting between FNL (Rwasa) and joint Burundian Armed Forces (FAB)/ CNDD-FDD (Nkurunziza) elements has continued, the Government refusing to end military action until FNL (Rwasa) agrees to negotiate with it, and the latter refusing to do so until the Government ends military action against it. At the same time, members of the international community continue to facilitate discussions among those concerned with a view to finding a mutually agreeable means of bringing FNL (Rwasa) into the process. The assessment mission reported that both sides seem ready to open discussions if the right framework can be found.

10. Despite these difficulties, the assessment mission found that significant progress has been made in achieving a comprehensive and all-inclusive peace process since the inauguration of the Transitional Government on 1 November 2001. The parties seem to have come to an understanding that continued armed hostilities would not enable them to reach their political objectives. While they are demonstrating the political will necessary to see through the peace process, further efforts are nevertheless required to ensure true political openness, consensus-building and public outreach. The assessment mission welcomed the meeting on 23 February called by the President with the political parties to discuss the electoral process (see para. 51). Such efforts need to be extended to the smaller armed groups, which have voiced frustration at not being included in ongoing discussions between FAB and CNDD-FDD (Nkurunziza) on planning for disarmament and security sector reform.

11. At the same time, a number of political parties met by the mission expressed concern at what they termed a "monopoly" of the peace process by FRODEBU and UPRONA. They considered that they did not have equal opportunities to conduct their political activities and raised concern at restrictions on their freedom of opinion and expression. It must also be noted, that women are poorly represented in the Transitional Government.

B. Military situation

12. While the ceasefire is generally holding and major military operations have ceased throughout most of the country, as noted above, joint operations conducted by FAB and CNDD-FDD (Nkurunziza) against FNL (Rwasa) continue. FNL (Rwasa) continues to harass the capital from surrounding Bujumbura Rurale. Hostilities, including sporadic mortar attacks, are conducted mainly under the cover of darkness when the Burundian Armed Forces have withdrawn from their posts. The assessment mission received reports that ongoing fighting, while mostly isolated and not decisive, is seriously affecting civilians, as villages have been destroyed and populations displaced.

13. The total number of combatants, excluding FAB, is estimated to be about 35,000, made up as follows: 1,000 CNDD (Nyangoma); 1,000 PALIPEHUTU (Karatasi); 1,000 FROLINA; 3,000 CNDD-FDD (Ndayikengurukiye); 1,000 PALIPEHUTU (Mugabarabona); 25,000 CNDD-FDD (Nkurunziza); 3,000 FNL (Rwasa). These figures have yet to be verified. While the assessment mission received reports of women and child soldiers in the armed groups, exact figures could not be confirmed. Combatants of all armed groups, except FNL (Rwasa), are now assembling

at some 11 sites (see map); food and some medical care is being provided by the Government through a consortium of donors, pending commencement of the disarmament, demobilization, reinsertion and reintegration process.

14. The Burundian Armed Forces are estimated to total about 45,000 troops deployed through five military districts, predominantly operating against FNL (Rwasa) in Bujumbura Rurale and against a group of bandits in Cibitoke Province. While FAB are reported to possess heavy weapons, the armed groups have mainly small arms, mortars, high-explosive grenades and mines.

15. There has been no military engagement between the smaller groups since the signing of the ceasefire agreements. There have however been skirmishes in recent weeks following a disagreement between CNDD-FDD (Nkurunziza) and CNDD (Nyangoma) elements over the assembly areas allocated to each of them in Bururi Province. This issue has since been resolved through the mediation of the Arusha-mandated Joint Ceasefire Commission (see para. 57).

C. Security situation

16. As a result of the recent political and military developments in Burundi, the security situation has dramatically improved and calm has returned to most provinces. This is a major change from the volatile situation experienced until recently, when daily attacks were still the norm. Nevertheless, as noted above, continued hostilities between the joint FAB/CNDD-FDD (Nkurunziza) forces and FNL (Rwasa) in Bujumbura Rurale continue to seriously affect security in those areas. For this reason, the capital city remains under curfew.

17. While hostilities have generally eased, criminality appears to have increased, aided by the thousands of weapons in circulation. Attacks, ambushes and harassment of individuals or groups along the main roads are commonplace, particularly in Cibitoke, Bubanza and Bururi Provinces, as well as in areas along the border with the United Republic of Tanzania. Refugees and internally displaced persons have also reported cases of rape and general insecurity during the return process. Furthermore, some uncontrolled FAB elements are allegedly involved in criminal activity, and elements belonging to the armed parties regrouping in assembly areas have been cited as harassing local civilians.

18. The Government of Burundi, whose security personnel, including the gendarmerie has an estimated strength of approximately 7,000, has not been in a position to effectively control this criminal activity, mainly for lack of adequate command and control structures, especially at the local level, combined with poorly trained personnel, insufficient funds and equipment. The assessment mission considered that tensions and insecurity were likely to heighten in some areas as disarmament, demobilization, reinsertion and reintegration, resettlement and the electoral process proceed in the short implementation period left in the Arusha timetable.

D. Humanitarian situation

19. The civil conflict in Burundi has led to massive refugee flows, substantial internal displacement and the disruption of many aspects of daily life. More than

770,000 Burundians have sought refuge in the United Republic of Tanzania during the last 30 years, including 320,000 currently living in camps. Burundi has also faced significant internal displacement, the most recent estimate being 281,000 internally displaced persons at 230 sites. The educational system has broken down in rural areas. More than 560,000 children do not attend school and wherever possible health services are largely provided by international non-governmental organizations. All parties to the conflict have been responsible for violence against civilians, in the form of forced displacement, murder and rape, among other acts. The persistent insecurity has also limited humanitarian access to large parts of the country, and has deprived the population of protection and assistance.

20. Some positive developments reflect the progress made in the peace process, however although detailed figures will not be available until April 2004, reports indicate that large numbers of internally displaced persons have begun returning to their original locations in recent months. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that, depending on security conditions on the ground, as many as 500,000 refugees could return to Burundi in the next three years. During 2004, some 120,000 to 150,000 could do so with UNHCR assistance. Some 15,000 refugees have already returned, facilitated by UNHCR, during the first two months of 2004. A Tripartite Commission consisting of the Governments of Burundi and the United Republic of Tanzania and UNHCR continues to review the repatriation process and has recently signed an agreement paving the way for large-scale return. In order to support this process, UNHCR and other United Nations agencies are strengthening their presence in the country, especially outside Bujumbura.

21. The return and resettlement of internally displaced persons and refugees will constitute the major humanitarian challenge in the coming months. Returnees will need to receive the necessary material assistance, including emergency shelter, to re-establish their lives. They will also require close monitoring and protection support to ensure that their returns are in accordance with international norms. The large-scale return and reintegration of internally displaced persons, refugees and ex-combatants will severely tax the capacity of an already weakened social services sector. Early investments must be made to expand absorptive capacity. Close coordination will be essential. As a first step, a reintegration cell, consisting of the United Nations Development Programme (UNDP), UNHCR and the World Bank, meets regularly to ensure a holistic "4 Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to meeting this challenge. Priority must be given to resolving the issue of land ownership in a peaceful and transparent manner. Failure to address this question could pose an additional obstacle to the return of refugees and internally displaced persons, and fuel ongoing tension that could destabilize the transitional process.

22. The re-establishment of sustainable livelihoods will also require a shift in emphasis on the part of the international community, which has been primarily focused on humanitarian assistance and emergency interventions over the past years. While emergency needs will continue to emerge because of the fragile status of the population, recovery programming will need increasing attention.

E. Economic situation

23. Burundi is an under-industrialized country, with few natural resources and a population which is more than 90 per cent rural and existing as subsistence farmers. The unprecedented population growth, from 2.8 million in 1959 to 6.9 million today, has increased demand for land, adding to social tensions. According to the Food and Agriculture Organization of the United Nations, only 0.8 hectares of land is available per family.

24. Years of war have also worsened the economic situation of Burundi. According to World Bank estimates, the economy has contracted by more than 25 per cent over the past five years. The country's gross domestic product (GDP) has fallen by half, from 1.2 billion in 1991 to 0.69 billion in 2001, and foreign debt represents 204 per cent of GDP, or 99 per cent of total revenues earned. Gross national income per capita is $110, far below the sub-Saharan African average of $490. Moreover, the Burundi franc has lost almost 30 per cent of its value since 2001.

25. Burundi's export earnings are almost entirely based on coffee and tea; falling coffee prices and reduced production have caused export earnings to drop from $66 million in 1998 to $40 million in 2003. The drought in 2003 appears to have negatively affected coffee production, although tea production improved markedly. The manufacturing sector is small and focused on agricultural processing. While there are some minor exploitable mineral reserves, insecurity has prevented any sustained exploration activities. An improving security climate should allow for much-needed strengthening and diversification in the export sector.

26. The nature of the Burundian economy has been a factor in the hostilities, which can, simply put, be considered as competition between the haves and have-nots in a zero-sum game. Many of the assessment mission's interlocutors stressed that in Burundi, even more so than in other post-conflict countries, the equitable expansion of economic and social opportunities is essential for a sustainable peace. While the Arusha Agreement recognizes the need to address equitable social and economic development, including land ownership, and institutions have been created to address these issues, little actual progress seems to have been achieved.

F. Human rights

27. Since the issuance of the last report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi (A/58/448 of 20 October 2003), there has been little improvement in the human rights situation in the country. Historically, the human rights situation has been characterized by political assassinations, followed by the massacre of civilians, sometimes amounting to acts of genocide and mass exodus. Summary executions of civilians have decreased but torture, illegal detention and arbitrary detention persist. The civilian population, especially the elderly, women and children, are the primary victims of the acts of violence, which are committed with impunity.

28. During its meetings with civil society and government officials, the assessment mission was informed that incidents of rape, including gang rape, against women, girls and boys, were on the rise and that individuals accused of witchcraft had been killed by mobs, 20 in Ruyigi Province alone. The incapacity of the judicial system to act in a timely and impartial manner also remains a matter of grave concern.

29. The Office of the United Nations High Commissioner for Human Rights has maintained an office in Burundi since 1994, which has conducted human rights monitoring and investigation, promoted human rights through non-governmental organization and civil society networks, and supported capacity-building activities, in particular on the rule of law and judicial sectors. Its work has been hampered by the lack of funds, however, and the number of international human rights staff has been reduced from 23 in 1999 to 3 at present.

G. Status of implementation of the Arusha Agreement

30. The delay in securing ceasefire agreements has significantly hampered the timely implementation of the Arusha Agreement and the reforms envisaged therein. Since the integration of the armed groups into the Transitional Government, the working relationship between the parties has been generally more cooperative, and the necessary work on the Arusha protocols is progressing with greater speed. Nevertheless, the end of the transitional period on 31 October 2004 is less than eight months away. Vital processes scheduled to be accomplished over the three-year transition remain to be implemented, particularly in security sector reform, judicial reform, adoption of legal instruments and the organization of elections.

1. Ending impunity

31. The Arusha Agreement calls for a number of measures to be put in place to fight genocide and exclusion, and promote national reconciliation, which are essential underlying principles of the peace process. The measures include the establishment of (a) a national observatory for the prevention and eradication of genocide, war crimes and crimes against humanity; (b) an international judicial commission of inquiry to investigate acts of genocide, war crimes and other crimes against humanity from the period of independence in 1962 to the date of the signature of the Agreement in 2000, the recommendations of which may include the creation of an international criminal tribunal to try and to punish those found responsible by the commission; (c) a national truth and reconciliation commission to investigate human rights abuses, promote reconciliation and deal with claims arising out of the Burundian conflict from 1962 to 2000; and (d) the enactment of legislation to counter genocide, war crimes and crimes against humanity, as well as human rights violations.

32. On 26 January 2004, the President of the Security Council requested (see S/2004/72) that I dispatch to Burundi an assessment mission to consider the advisability and feasibility of establishing an international judicial commission of inquiry. While the United Nations is following up on this matter, with the exception of the law against genocide adopted in April 2003, very few of the other measures on genocide called for in the Arusha Agreement have been implemented. The Transitional Assembly adopted the legislation necessary to establish the National Truth and Reconciliation Commission on 16 April 2003 and forwarded it to the Senate in June of that year for its consideration, but the legislation remains under discussion. The law is expected to be adopted by the end of current parliamentary session, which ends in April 2004.

33. In April and June 2003, the National Assembly and the Senate, respectively, adopted the law for the ratification of the Rome Statute establishing the

International Criminal Court, after heated debate regarding article 124 of the Rome Statute, which permits a State adhering to the statute to prevent consideration by the Court of war crimes committed by its armed forces for a period of seven years after the entry into force of the statute for the State concerned. The law was forwarded to the President in August 2003 but it has not yet been promulgated, and the question of the use of article 124 remains open. It should be noted that, in accordance with the Rome Statute, the temporal jurisdiction of the Court does not extend to crimes committed before 1 July 2002.

34. The commission called for under the Arusha Agreement to review the conditions in jails, the treatment of prisoners, the training and conditions of service of wardens, and the existence and release of any political prisoners completed its work in February 2002. While the United Nations has repeatedly called on the Transitional Government to resolve this issue, the assessment mission was told that the Government was not satisfied with the Commission's report, and was therefore discussing alternative approaches to the issues.

35. Many interlocutors stressed to my assessment mission that sustainable peace and reconciliation in Burundi would require more active work on the part of the Government to ensure the human rights of all. They expressed scepticism about the level of commitment of the Transitional Government to combating impunity. They noted the adoption in August 2003 of a law granting temporary immunity to political leaders returning from exile, and the agreement under the Pretoria Protocol of 8 October 2003 to grant temporary immunity to all leaders and combatants of CNDD-FDD (Nkurunziza) and the security forces of the Transitional Government.

2. Judicial and corrections reform

36. In order to improve the balanced and fair exercise of the rule of law in Burundi, the Arusha Agreement calls for reforms in the judicial sector. Inequities in the ethnicity of judges and judicial personnel remain a sensitive matter. Moreover, women and girls suffer legal discrimination, for instance in family and inheritance law. In accordance with the Agreement, the Transitional Government established on 25 October 2002 a Commission on Judicial and Administrative Reform which is currently reviewing the conformity of the current legislation with the Arusha protocols.

37. There are only some 60 defence attorneys available in Burundi, located primarily in Bujumbura and unable to serve much of the outlying area for lack of resources. While the Office of the United Nations High Commissioner for Human Rights and Avocats sans Frontières provide some assistance in this area, the lack of transport and communication systems, understaffing and inadequate budgetary allowances remain a serious problem for the exercise of justice in Burundi. The Minister of Justice and the Public Prosecutor further informed the assessment mission of a need for ongoing training and continuing education for judges and judicial personnel.

38. While magistrates have a duty to inspect prisons and police holding cells and verify the status of detainees, particularly in cases of arbitrary arrest or violations of administrative procedure, such visits are not carried out on a regular basis, largely owing to a lack of resources. Prisons are overcrowded and the judicial system is unable to cope with the number of detainees pending trial. Some 500 persons remain on death row. To ease the backlog, a law was passed in September 2003, granting

competence to the 17 *tribunaux de grande instance* to judge serious crimes. The Government has indicated that it is also in the process of reviewing the conditional release of some 1,000 persons in such cases. In addition, some 77 assessors have been trained to expedite trials. The impact of these measures, though positive, has been limited, in particular because of the difficulties of recruiting and training magistrates who should, according to the law, reflect ethnic and gender balance.

3. Reconstruction and development

39. The Arusha Agreement recognized the need to address the problems of unequal access to political, social and economic opportunities. The Agreement accordingly sets out measures in the areas of political participation, economic development, land reform, and the return of refugees and the displaced. Some measures have been taken or are ongoing, including the establishment of a reception mechanism for refugees and *sinistrés* (those affected by war); the creation of a National Commission for the Rehabilitation of *Sinistrés* and a National Fund for *Sinistrés*; and the establishment of a land subcommission of the Commission to take action on land issues and provide special assistance for vulnerable groups. The areas of the Agreement which have not yet been addressed include the preparation of plans for physical and political reconstruction, medium- and long-term development, emergency reconstruction, and the creation of a reconstruction and development unit. The development of these plans will be essential for the long-term sustainability of the peace process.

40. At the Forum of Development Partners held in Brussels on 13 and 14 January 2004, donors pledged some $1.03 billion to assist Burundi over a three-year period, but it will be critical for these funds to be disbursed as quickly as possible. To this end, stakeholders have agreed on a number of follow-up mechanisms, including the creation of a follow-up commission, chaired by the Government and composed of members of the international donor community.

4. Security sector reform

41. Under the Arusha Agreement, the parties agreed to establish the new Burundi National Defence and Security Forces, a national police of Burundi and a General Intelligence Service, the creation, organization, training, conditions of service and functions of which would be determined by organic law. It was agreed that, for a period to be determined by the Senate, not more than 50 per cent of the defence and security forces and the police would be drawn from any one ethnic group. The parties also agreed to demobilize members of the Burundian Armed Forces and combatants of the armed political parties and movements on the basis of a list of names and in accordance with certain criteria; all other armed elements would be integrated into the new national defence and police forces.

42. Under the ceasefire agreements of 7 October and 2 December 2002, CNDD-FDD (Ndayikengurukiye), FNL (Mugabarabona) and CNDD-FDD (Nkurunziza) accepted the Arusha Agreement and the principles therein regarding security sector reform. The Global Ceasefire Agreement entered into with CNDD-FDD (Nkurunziza) on 16 November 2003 included a Forces Technical Agreement that provided a more detailed agreement on security sector reform, under which the movement would make up 40 per cent of the senior officer corps. Its share in the rank and file would be determined by the size of its force once cantoned, always

maintaining the 50-50 ethnic equilibrium. As for the national police, it was agreed that the general structure of the police force would be based on the principle of 65 per cent of the force for the Transitional Government and 35 per cent for CNDD-FDD (Nkurunziza). It was also reaffirmed that the gendarmerie would be integrated into the police, while the militia would be disarmed under the supervision of AMIB, as soon as the cantonment and quartering process were to begin.

43. In accordance with the Global Ceasefire Agreement, the Joint Chiefs of Staff of the defence and security forces have been appointed and are working on a plan for the integration of the armed forces. A 1,200-strong integrated protection force for VIPs and government institutions, which is currently undergoing training, will replace the protection force provided by South Africa (see para. 60) in due course. The parties further intend to create an integrated battalion of 800 (all ranks) for security purposes. In creating the national defence and security forces, the Transitional Government has announced its intention to integrate all eligible armed elements into the armed forces, reaching an initial size of some 66,000 to 80,000, to be demobilized at a rate of 14,000 per year over four years, eventually reaching a size of some 25,000. This approach has been taken as a security measure given the present dearth of economic and employment opportunities for demobilized combatants and FAB elements.

44. To facilitate the integration process, the Government has established a National Commission for Demobilization, Reinsertion and Reintegration and an Executive Secretariat. Upon the request of the Government, the World Bank provides financial and technical assistance for demobilization, reinsertion and reintegration in Burundi within the framework of the Multi-Country Demobilization and Reintegration Programme. The World Bank has established a coordination committee consisting of key stakeholders, including donors, United Nations agencies, the Transitional Government, the African Union, and the World Bank, which meets on a regular basis. In February 2004 the National Commission completed the preparation of a national demobilization, reinsertion and reintegration programme, in the amount of $84.4 million. The Programme is expected to be financed through the Multi-Donor Trust Fund of the World Bank Multi-Country Demobilization and Reintegration Programme and bilateral financing. The World Bank is scheduled to present a proposed IDA grant in support of the programme to its Board on 18 March 2004.

45. My assessment mission reported the need for a considerable sensitization effort aimed at all levels of society — including those directly affected and those expected to provide support for the process — regarding disarmament, demobilization, reinsertion and reintegration. While the Government's plan to integrate all eligible elements into a temporarily enlarged army, to be followed by gradual demobilization, was understood, concern was expressed over reported discussions on the question whether such elements might not first disarm before such integration. Such a measure could inhibit the formation of a truly integrated command and control structure, thus increasing the risk of a return to hostilities. At the very least, it would be necessary for the status of such elements to be verified before they are integrated into the military, for the activities of integrated military units to be monitored and a strict system of the registration of weapons to be put in place. These groups could be eligible for limited reinsertion assistance within the framework of the national demobilization, reinsertion and reintegration programme.

46. In the course of the conflict, the Government of Burundi had established what are known as *gardiens de la paix*, that is, community-based militia, as well as other militia groups which operate in Bujumbura and other cities. These groups, which are estimated to number some 30,000 or more elements, were formed to protect their communities from rebel attack and, under the Agreement, are to be disbanded and disarmed by the Government. Discussion on the modalities for their disarmament is ongoing. In the meantime, the process of demobilization of children from the Burundian Armed Forces and the *gardiens de la paix* has started under the umbrella of UNICEF.

47. Four different institutions in Burundi fulfil most police functions, namely, the gendarmerie under the Ministry of Defence; the prosecutorial Judicial Police under the Ministry of Justice; and the Public Security Police and the Police of the Air, Borders and Foreigners under two different sections of the Ministry of Public Security. A total of approximately 7,189 persons fulfil the main policing functions in Burundi, albeit with unbalanced gender and ethnic participation. While the gendarmerie is at present under the Ministry of Defence, it is mainly responsible for internal law and order and is intended to be integrated into the police.

48. Under the Arusha Agreement and the subsequent ceasefire agreements, it was decided that all police elements, including the gendarmerie, would be united under the Ministry of Public Security. An integrated police Chief of Staff, once appointed, is to prepare an overall strategy for the formation of a national police force, envisaged to be 20,000 strong.

5. Elections

49. Under the Arusha Agreement, the transitional period ends with the indirect election of a new President, by a two-thirds majority of the National Assembly and the Senate. Neither of the two heads of State during the transitional period — Pierre Buyoya and Domitien Ndayizeye — is eligible to run for President in the first election. Popular votes on the post-transition constitution and new local councils and National Assembly members are expected to be held ahead of the presidential elections. With less than eight months left in the transitional period, the organization of credible elections represents one of the greatest political and practical challenges ahead. The President indicated to my assessment mission that the Transitional Government intended to formally request United Nations assistance in preparing for and conducting the elections. The Transitional Government has circulated a draft electoral calendar foreseeing the holding of a constitutional referendum in June, *colline* elections in July, and commune elections in August, followed by parliamentary and presidential elections in October.

50. For the election of the 100-seat National Assembly, the Arusha Agreement set out a system of proportional representation, based on the population of each of the 17 provinces of Burundi, and the use of closed (party-determined) lists of candidates. The lists must provide for ethnic and gender balance: of every three candidates on the list, only two can be from the same ethnic group, and at least one out of five must be a woman.

51. The legal framework for elections has not yet been adopted and it must be completed in order to continue electoral planning. On 23 February, the President transmitted proposals for the post-transition constitution, the electoral code, the law on political parties and the law on the reorganization of communal administration to

all of the political parties and former rebel movements for their review and comments. A follow-up meeting was held on 2 March, and another is scheduled for 15 March.

52. Besides the adoption of the necessary legislation, a number of other preparatory activities need to be conducted, including a civic education campaign, the registration of voters and the establishment of an Independent Electoral Commission. A constitutional commission is to be put in place at the National Assembly level to oversee the overall adoption of the necessary laws. Additional challenges include the transformation of armed groups into political parties and the enfranchisement of refugees and internally displaced persons. The Transitional Constitution provides that armed groups can be transformed into political parties only after the completion of cantonment, but cantonment, which is a responsibility of the Transitional Government, is currently stalled. The issue of eligibility of refugees and the voter registration of internally displaced persons must also be addressed.

53. The President stated to the assessment mission his firm objective of holding elections within the timetable foreseen in the Arusha Agreement and that all obstacles to compliance with the Agreement could be surmounted by the good will of all involved in the process. There is, however strong resistance in some circles to holding elections as planned, on allegations that the enabling conditions, including the promulgation of an electoral code, the establishment of an independent electoral authority, and the conduct of voter registration within and outside the country, are far from being met. Despite the mechanisms provided for in the Arusha Agreement to balance the representation of the Tutsi and Hutu ethnic groups at the legislative and local levels, many influential leaders see the preparation of the elections as an opportunity to voice their concerns regarding the post-transition proportionality in power.

54. My assessment mission was repeatedly reminded that violence had followed multiparty elections in 1962 and 1993, and that there was general fear of its reoccurrence. Many Burundian parties also expressed the view that adequate security arrangements for the holding of free and fair elections had not yet been established.

III. International support for the peace process

A. United Nations Office in Burundi

55. The United Nations Office in Burundi, currently headed by my Special Representative, Berhanu Dinka, was established in 1993 to support initiatives aimed at supporting peace and reconciliation in that country. My Special Representative works closely with the Regional Initiative, which, under the chairmanship of Uganda, has been indispensable in moving the peace process forward. He also works closely with the Facilitation, under the leadership of the Deputy President of South Africa, Jacob Zuma, in its work to bring about a comprehensive ceasefire.

56. The Implementation Monitoring Committee, mandated by the Arusha Agreement to follow up, monitor, supervise, coordinate and ensure the effective implementation of all the provisions of the Agreement, has been functioning since

November 2002, under the chairmanship of the United Nations. The Committee held its seventeenth session from 10 to 13 February 2004, during which it continued to press for progress on a post-transition constitution and the electoral law.

57. The Joint Ceasefire Commission, a subsidiary organ of the Implementation Monitoring Committee, was established on 25 February 2003 to coordinate and resolve military issues relating to the implementation of the ceasefire agreements. One of the major tasks of the Commission continues to be the negotiation of a joint operations plan, which establishes the principles and detailed procedures for the technical aspects of disarmament and demobilization. To this end, in January 2004, representatives of the armed political parties and movements participating in the Commission visited and approved the sites for the 2 demobilization centres and 11 pre-disarmament assembly areas. In January 2004, the two subcommissions of the Joint Ceasefire Commission, on the Forces Technical Agreement and on disarmament, demobilization, reintegration and reinsertion, became operational with the appointment of the chairmen.

B. African Mission in Burundi

58. As stated in my last report, on 2 April 2003 the African Union established a peacekeeping mission in Burundi (AMIB) to provide security for the cantonment of combatants and to assist the demobilization, disarmament and reintegration of the armed groups. As at February 2004, AMIB had a strength of 2,523 troops and 43 military observers.

59. AMIB continues to guard a cantonment site at Muyange (Bubanza Province), housing some 200 combatants from CNDD-FDD (Ndayikengurukiye) and PALIPEHUTU-FNL (Mugabarabona). In addition, to the extent of its capacity, AMIB has deployed military observer teams around the 11 pre-disarmament assembly areas.

60. It should be noted that, since October 2001, the Government of South Africa has provided a neutral protection force to ensure security for returning Burundian political figures and leaders to enable them to participate in the peace process. South Africa is gradually drawing down this force and expects to complete its withdrawal as the joint Burundian protection unit is established and becomes operational.

61. The presence of AMIB has served to focus attention on and to stabilize the situation in Burundi, and given confidence to the armed groups to begin the assembly and cantonment processes. The Mission has however suffered from a serious lack of funds and logistic support, which is provided by donor countries on a voluntary basis. In parallel with the assessment mission, experts from the African Union and the United Nations worked together in Bujumbura to determine the current capacities and future needs of AMIB and its troop contributors. They found that the financial and logistic constraints under which AMIB is operating prevent the force from fully implementing its mandate. They also noted that, while a European Union pledge of €25 million for the force is about to be released, those funds would be targeted for specific budget areas, because they come from the development envelope, and there would still be a number of outstanding logistic requirements.

62. Despite the financial constraints that have plagued AMIB from the outset, the force has performed to the highest standards in implementing its mandate in

Burundi. It has played a key role in providing an atmosphere of security and in assisting the parties to achieve progress in the disarmament process. AMIB has worked closely with its interlocutors on the ground, all of whom expressed their gratitude for the assistance it has provided to them. Yet, in view of the financial and logistic constraints mentioned above, the African Union has requested that AMIB be taken over by the United Nations.

IV. Possible reinforcement of the United Nations role in Burundi

63. In view of the strong political will displayed by the parties concerning their expressed readiness to cooperate in a spirit of national reconciliation, and the significant progress made to date, the assessment mission concluded that the United Nations role could be expanded to provide the support required to consolidate the peace process. Given the particular economic situation in Burundi and its relation to the root causes of the conflict, United Nations peacekeeping activities should proceed hand in hand with the creation of equitable political, economic and social opportunities, particularly for those who have been disenfranchised.

64. The election of a new government in Burundi is to be held by 31 October 2004, at which time the transitional process outlined in the Arusha Agreement would come to an end. There is much to be completed before that date. I would propose that AMIB form the core of the military component and a reinforced United Nations Office in Burundi the core of the civilian component of a United Nations operation in Burundi. This would allow United Nations peacekeeping activities to begin immediately upon the establishment of such an operation by the Security Council. Burundi is a small country, and there are a number of interested actors ready to assist the peace process. Building on these factors, the proposed mission would be deployed in key areas, with a capacity to react quickly to developments on the ground.

65. The operation would be headed by a Special Representative of the Secretary-General, who would be assisted by the expertise required to facilitate the implementation of the outstanding provisions of the Agreement, as outlined below. The Special Representative would chair the Implementation Monitoring Committee, and the Joint Ceasefire Commission would report directly to the Force Commander.

66. The humanitarian and development communities will need to collaborate closely with the peacekeeping operation to ensure that improvements in security are matched by tangible economic and social benefits for the population. The coordination of reintegration assistance with economic development efforts, including economic diversification to alleviate land pressures, will be essential for the long-term stability of the country. Given the obvious need for economic and peacekeeping support to work hand in hand, I would foresee that the Deputy Special Representative would serve concurrently as United Nations Resident Coordinator and Humanitarian Coordinator. The Special Representative of the Secretary-General would also be responsible for the security of all United Nations personnel in Burundi and serve as the designated official.

A. Military component

67. The most immediate priority of the proposed United Nations Mission in Burundi (MINUB) would be to take over and reinforce the role performed by AMIB. The MINUB force would monitor and provide security at pre-disarmament assembly sites, collect and secure weapons, and destroy weapons and unstable ammunition. The mission would also monitor the cantonment of FAB elements and their heavy weapons and participate in joint liaison teams of the Joint Ceasefire Commission to monitor the disarmament and disbanding of militia groups by the Transitional Government.

68. Additional tasks of the force would include the protection of United Nations personnel and equipment; facilitation of the freedom of movement of United Nations personnel and humanitarian agencies; protection of the civilian population, particularly returning refugees and internally displaced persons, in its areas of deployment and within its capabilities; and assistance to local authorities in providing internal security and support during the electoral process. The force would also conduct limited mine clearance in support of its operations. MINUB military observers would monitor and report on violations of the ceasefire, and collect information on illegal shipments of weapons and cross-border movements of armed groups, in coordination with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) where applicable.

69. After an initial period of consolidation in Bujumbura, arriving troops would be deployed to strengthen former AMIB contingents. As the security situation improves, the force will extend its operations into the more sensitive area of Cibitoke. Once disarmament operations have been concluded, it may be necessary to redeploy and extend the areas of operation of the battalions. MINUB military observers would be deployed in teams of four to six personnel, depending on task and location, in a total of 20 to 30 teams. Initially, the teams would support the disarmament, demobilization and reintegration process, including at the disarmament centres for the armed groups, and monitor the confinement to barracks of FAB. Military observers would also be located along the border with the United Republic of Tanzania, especially in Makamba, Ruyigi and Muyinga, where the majority of refugees will return. They would also be charged with monitoring, to the extent possible, the illegal flows of arms across the national borders, including Lake Tanganyika, in cooperation with MONUC. Depending on the security situation, a military observer team would be deployed in Cibitoke Province to monitor the cross-border movement of armed groups.

70. As noted above, it is expected that an integrated battalion of FAB and CNDD-FDD (Nkurunziza) forces would form the first elements of the integrated new Burundi National Defence and Security Forces. MINUB would liase closely with those forces and monitor their operations to ensure they are conducted within the spirit of the Arusha Agreement.

71. Given the size of Burundi and the security situation in the country, a minimum strength of some 5,650 military personnel, including five infantry battalions, 200 military observers, and 125 headquarters and staff officers would be required to carry out the tasks outlined above. The necessary enabling elements would include an aviation transport unit with a company lift capability; a transport element; engineer units; a maritime unit; a Level II and a Level III medical unit; a military

police unit, and a special forces detachment. The force headquarters of the mission would have a brigade structure, with its headquarters in Bujumbura and battalions operating in four areas of operation, namely, Bubanza, Gitega, Makamba and Cibitoke, in addition to Bujumbura. The mission would also exchange liaison officers with MONUC; the two missions would share military information, with an emphasis on information relating to cross-border movements of armed elements and arms trafficking.

72. In view of the security situation on the ground, where one group remains outside the process and intermittent fighting continues, it is recommended that a United Nations peacekeeping force be deployed under robust rules of engagement. Moreover, an "over-the-horizon" force will be an important requirement. The Secretariat is examining this requirement and will directly approach Member States to establish the parameters for such a capacity.

B. Civilian police

73. While the Transitional Government is committed to creating an effective national police service, it will require significant planning, training and material support. The success of the programme will be essential to underpin parallel efforts being undertaken in the judiciary and corrections systems, and to creating a balanced and fair security system for the country.

74. The peacekeeping mission would therefore need a civilian police component whose task would be to support the preparation of a comprehensive plan for the integration and development of the Burundi National Police. This component would also assist in planning and implementing a training programme for the police, through curriculum development, vetting of candidates and training of trainers. It would help the Government to mobilize donor support to implement targeted areas of the plan and provide mentoring and advisory services to the national police in the performance of their duties. To support the implementation of these activities, the civilian police component would work in close cooperation and coordination with United Nations systems partners, donors and local stakeholders.

75. A total of 120 civilian police personnel would be required for MINUB to implement its proposed civilian police tasks, including 10 headquarters staff, 25 trainers and 85 advisers/monitors. The advisers/monitors would be deployed in the 16 provinces (approximately 5 per province), as well as in Bujumbura.

C. Security sector reform and disarmament, demobilization, reinsertion and reintegration component

76. Significant work remains in the reform of the security sector. While the Transitional Government has decided to integrate all armed elements into the new National Defence and Security Forces, and the military Joint Chiefs of Staff have started to review the related requirements, a number of decisions on the reform of the security sector have still to be taken and significant detailed planning is yet to begin. The assessment mission held in-depth discussions with several donors who expressed interest in supporting the Government in this area.

77. The Transitional Government has established the necessary institutional structures for the disarmament, demobilization, reinsertion and reintegration process, with the assistance of the World Bank Multi-Donor Demobilization and Reintegration Programme. It has also established a National Commission to coordinate disarmament, demobilization, reinsertion and reintegration policy and an Executive Secretariat responsible for operational work. While planning for the disarmament and demobilization process is at an advanced stage, some aspects of its implementation are still to be finalized. Moreover, planning for reintegration — a necessary ingredient for sustainable peace and security — has yet to begin in earnest. Such planning will also need to reflect the special needs of women and children.

78. In the light of the above, it is envisaged that a security sector reform and disarmament, demobilization, reinsertion and reintegration component, comprising both military and civilian expertise, would be established to help Burundi and international counterparts in harmonizing efforts and developing strategic support plans for the process. While the role of MINUB in regard to security sector reform would be to assist in the negotiation of the plan and in mobilizing resources, operational assistance would be provided on a bilateral basis. In regard to disarmament, demobilization, reinsertion and reintegration, the component would assist in finalizing planning and supporting the implementation of the process, in coordination with ongoing efforts, particularly those of the National Commission, its Executive Secretariat and the Joint Ceasefire Commission. Such plans would need to reflect regional linkages, including the repatriation of any Burundian fighters outside the country together with members of their families.

D. Rule of law and civil affairs

79. Significant work remains to be done in the implementation of the Arusha Agreement in regard to the legislative and institutional reforms necessary to ensure an independent and balanced judicial sector. Under the Arusha Agreement, the parties agreed to put in place certain measures to guarantee good governance at all levels so that equitable social and economic development and political participation could be ensured, focused in particular on increasing opportunities for the disenfranchised.

80. As the success of the peace process will depend in part on the implementation of these measures, it is proposed that MINUB include a rule of law and civil affairs component with the task of advising the Government in the reform of the judicial system, in accordance with the Arusha Agreement; assisting in mobilizing training and material assistance for the judicial sector; and monitoring the implementation of institutional reform at all levels, including at the commune level. The component would include a limited number of judicial experts to provide advice to the Government and other counterparts on judicial reform, as well as a limited number of corrections experts who would provide advice on capacity-building in regard to correctional institutions. It would also include civil affairs officers, who would monitor and report on the implementation of administrative and political reform at the local level and assist the electoral process.

E. Electoral component

81. The recent debate between the political parties, former rebel movements and civil society on the electoral code and calendar marks an important step towards the holding of elections within the time frame foreseen in the Arusha Agreement. It is envisaged that the United Nations would assist in the timely conclusion of this debate by providing advice on existing options, and in the development of new options, for the organization and conduct of elections.

82. The sooner the ongoing debate is concluded, and an electoral code and calendar are adopted, the earlier the United Nations will be able to provide further assistance for the implementation of electoral activities. The Transitional Government, through the Ministry of the Interior, has started to prepare for elections and has provided to the United Nations an inventory of material and financial needs for the process. It has also started discussions on the identification of citizens eligible to vote. The Transitional Government has indicated that these needs would be reflected in a formal request to the United Nations to assist the process.

83. The proposed task of the electoral component of MINUB, working in close coordination with UNDP and other partners, would be to coordinate and provide technical assistance for electoral activities, including planning, logistical support and international observation of registration and polling operations.

F. Human rights component

84. Addressing the issue of genocide and the related sensitivities of the population is a core element of the Arusha peace process. In view of the ongoing violations of human rights, the lack of protection for civilians, and the climate of impunity that continues to exist, it is envisaged that MINUB would include a human rights component to carry out the following tasks: monitor, verify and report on the human rights situation throughout the country; advocate and intervene with local and national authorities to protect civilians and vulnerable groups; promote the rights of women, children, and other vulnerable populations; provide training for peacekeepers and the civilian police component of the operation; and integrate human rights and protection of civilians into the overall work of the mission.

85. It is foreseen that the Office of the United Nations High Commissioner for Human Rights would maintain an independent presence in Burundi for the time being. In close cooperation with MINUB, the Office would continue to fulfil its functions in the provision of technical cooperation for the promotion of the rights of women, children, and other vulnerable populations; the coordination of technical assistance and the provision of advice for capacity-building in the rule of law sector, as well as the provision of technical cooperation for economic, social and cultural rights and the right to development; it would support the activities of the Special Rapporteur in Burundi; provide advice to the United Nations country team; and support the establishment of an international judicial commission of inquiry and a national truth and reconciliation commission. Support for the national observatory on genocide would be provided jointly by the Office of the High Commissioner in Burundi and MINUB.

G. Public information component

86. As in any peacekeeping mission, a strong public information component would be required to provide an objective source of information on the peace process and explain the United Nations mandate and role to the population. In view of the upcoming elections, the component would also verify equal access by all parties to the media and the application of a code of conduct for journalists. The public information component would also assist in disarmament, demobilization, reinsertion and reintegration and other activities of the mission and United Nations agencies in the country.

87. Owing to the scarcity of print media and a literacy rate of approximately 35 per cent, radio is by far the most accessible media outlet to the largest possible audience. Given the relatively large number of independent radio stations in Burundi, it is foreseen that MINUB would not be required to establish its own radio, but would rather buy time on local radio stations. The mission would however be required to set up radio production facilities with adequate personnel. The mission would also have video capacity, in order to disseminate footage to news agencies and to produce material to be broadcast on national television and for outreach campaigns. International and national public information officers would be based in the provinces to cover stories for radio, television, and print media and to disseminate public information material to the local population.

H. Other expertise required

88. The Office of the Special Representative of the Secretary-General and the Deputy Special Representative (Resident Coordinator/Humanitarian Coordinator) would include advisers on gender, child protection, HIV/AIDS and legal issues, as well as expertise to ensure the link between security and economic development. The Office of the Special Representative would ensure that all activities of the mission are planned, conducted and reported upon in an integrated manner. The political component of the mission would include political expertise to liaise with the Transitional Government and legislature, political parties, civil society and other groups, and to support the Special Representative through political analysis and reporting. Quick-impact projects will be used to respond to pressing needs in areas where MINUB is deployed.

I. Administration and logistics

89. In the light of the proposed mission's concept of operations, as described above, most of the troops and civilian components will be deployed on the western side of the country and mainly west of the Mugamba Mountains. Given the small size of the country and good road infrastructure, it would be possible to support the mission from a single, central logistics base in Bujumbura. For the same reason, substantial tactical air assets would not be required. In regard to the military component of the mission, AMIB would be reassigned, reorganized and supplemented as necessary to meet United Nations peacekeeping standards, and contingents would be expected to be self-sustaining in all categories.

90. Logistics support would be controlled and managed under an integrated support service, whereby all military and civilian support staff and requirements would be pooled for optimal effectiveness and efficiency. Support services would be controlled through a joint logistics operations centre. The centre would also be the focal point for coordinating logistics activities with the United Nations country team and other humanitarian and development agencies.

J. Security management system

91. Security arrangements would be established during the very first days of the mission to ensure that it operates at all times in compliance with the United Nations minimum operational security standards. The choice of locations, staff accommodation, facilities and transit routes would be determined to a large extent by security considerations. Preparedness, prevention, clear delineation of security responsibilities and adequate security staffing would be essential. All facilities, including the logistics base, would be secured, and a communications system would be established to ensure that procedures are implemented effectively and understood by all concerned.

92. Security arrangements on the ground would be based on an information management system under a joint mission analysis cell that would collate data, assess capabilities, and provide an ongoing evaluation of potential risks and threats to United Nations personnel. A crisis response cell would be established under the joint operations centre.

93. Induction training for all incoming headquarters staff officers and civilian staff would be mandatory. In addition to the main mission briefing, it would focus on security requirements, standards of conduct, landmine safety, sensitivity to local culture, and risk and stress management. Staff would have to complete such training prior to assuming mission responsibilities.

K. Mine action

94. There were 230 reported mine-related casualties in 2001 and 2002, and 80 in 2003. The areas bordering the United Republic of Tanzania are reportedly the most heavily mined in the country — areas through which most of the refugees are expected to return. Pending the necessary surveys, it is estimated that mine and unexploded ordnance contamination will initially pose only a limited threat to the deployment of the proposed mission; as peacekeeping personnel extend their presence throughout the country, however, the risk of entering hazardous areas may increase.

95. While the responsibility for mine action rests ultimately with the national authorities, the mine action capacities in Burundi are limited. The United Nations Mine Action Service is preparing a mine action programme to mitigate the threat of mines and unexploded ordnance. The first objective of the programme, to be funded under the proposed mission's budget, would be to provide technical advice and monitoring for the mine action needs of the mission. The second objective, to be funded through voluntary contributions, would be to provide technical advice, assistance in coordination, capacity-building and resource mobilization, for national

and humanitarian mine action efforts, including the repatriation of refugees and internally displaced persons.

96. In accordance with the presidential statement of the Security Council of 19 November 2003 (S/PRST/2003/22), the mine action coordination centre would be established within the proposed mission's headquarters. The centre would register and process mine-related information and coordinate operations, with initial emphasis on planning, collection of information, technical advice, quality assurance, emergency survey, mine clearance and mine risk education. It would work closely with the national authorities, the United Nations country team and international and non-governmental organizations involved in the provision of mine action support to humanitarian relief operations.

V. Financial implications

97. The financial implications of the proposed mission will be issued shortly as an addendum to this report. Concurrence is therefore sought to plan and prepare for a possible deployment in accordance with General Assembly resolution 49/233 A.

98. Initial requirements for personnel and equipment will be met through rapid deployment mechanisms such as strategic deployment stocks and the rapid deployment roster. MONUC would be requested to provide assistance in order to maximize efficiency and cost-effectiveness, without prejudice to its operational capability with respect to its mandate.

VI. Observations and recommendations

99. Significant political progress has been made towards ending hostilities in Burundi. Only one of the armed groups remains outside the process and the parties seem genuinely committed to building a peaceful future. The country has never before had such an opportunity for lasting peace. Yet the Burundian population continues to live in fear. It lives in fear of abuse and abject poverty, and in the fear that the upcoming elections will result in turmoil, as has been the case in every multiparty election in Burundi since its independence. Nevertheless I believe that, with appropriate and targeted assistance, the international community can help Burundi to consolidate the progress made to date, move peacefully through the electoral process and put in place the reforms necessary to achieve sustained peace and stability, as well as social and economic development for all.

100. The African Union, with the support of the troops provided by Ethiopia, Mozambique and South Africa, has made a significant impact on the peace process in Burundi. The deployment of AMIB before the conclusion of a comprehensive ceasefire was instrumental in creating the conditions necessary for the parties to lay down their arms and enter the political process. I applaud the African Union and AMIB for their courage and determination in providing the assistance necessary to stabilize the situation in Burundi at a time when others doubted whether the process would succeed. However, in view of the serious financial and logistic difficulties it has encountered, the African Union has now requested the assistance of the United Nations in taking over and expanding its peacekeeping presence in Burundi. This

request has been strongly supported by the Government of Burundi. I believe that the time has now come for the international community to respond positively.

101. Sustainable peace in Burundi is necessary for long-term stability in the Great Lakes region. United Nations assistance in Burundi would also have a positive impact on the situation in the Democratic Republic of the Congo, thereby facilitating the work of MONUC, as well as in other neighbouring countries. I would therefore recommend that the Security Council consider authorizing the deployment of a multidimensional United Nations peacekeeping operation to support the peace process in Burundi. This operation would comprise a military component, based on the reassignment of AMIB, with a total troop strength of 5,650 (all ranks), including 200 military observers and 125 headquarters staff, as well as a civilian component, which would build on current UNOB capabilities and consist of the various elements outlined in section IV above.

102. The mandate of AMIB is due to expire on 2 April 2004. The elections are to be held in less than eight months. If the United Nations is to answer the call of the African Union and the Government of Burundi to assist in the final stages of the peace process, particularly in regard to enhancing the security situation, a decision, at least in principle, should be taken quickly, if possible before 2 April. I am sure that the members of the Security Council are aware that the African Union and the people of Burundi need to know in a timely manner whether they can count on the United Nations to assist them. At the same time, if the Organization is to expand its role in the country, much work will be required in a very short period of time. The Security Council should bear this in mind as it considers the recommendations in this report.

103. A quick decision would facilitate the deployment of troops and support elements necessary to accelerate the disarmament, demobilization, reinsertion and reintegration and other remaining preconditions for the electoral process. Given the history of elections in Burundi, I would foresee that the force would remain in the country after elections, until any risk of renewed ethnic strife has clearly subsided. I would therefore propose to review the troop strength and mandate of the mission within six months of the elections.

104. The international community will need to provide in parallel to any peacekeeping operation the necessary assistance in the areas of security sector reform, elections, good governance, reintegration and economic development. In the meantime, I call on the Burundian parties to fully implement their agreements and to put the past behind them. The first priority is for the Government and FNL (Rwasa) to immediately cease hostilities and enter into dialogue, so that mutually agreed means can be found to bring the group into the peace process. Should the Security Council agree to the proposed peacekeeping operation, troops would be deployed in a disengagement zone between the two sides to help build confidence between them. Until then, the FNL and Government forces must refrain from inflicting more hardship and suffering on the civilian population.

105. At the same time, all parties must intensify their dialogue and reach out to the population in building consensus on the key outstanding issues of elections and military integration. I encourage the Government to ensure that all Burundians are made fully aware of the various elements of the peace process. For the electoral process to reflect the real will of the people, the Government must continue to open

up the political process and engage in active dialogue and consensus-building with all sections of the population.

106. Significant progress has been made in Burundi on planning for disarmament, demobilization, reinsertion and reintegration. With the assistance of the World Bank, UNOB and AMIB, the appropriate structures have been put in place and the armed groups are assembling their forces at pre-disarmament sites. I encourage the Government to undertake a vigorous sensitization campaign, so that all combatants have the information necessary to make a free choice between demobilization and integration into the security forces. I share the view of the assessment mission that an army of 66,000 to 80,000 troops, even created as a temporary measure, is much too large for a country the size of Burundi. It will be even more destabilizing if the armed factions do not give up their weapons.

107. Despite progress in many areas, a number of political decisions remain to be taken, particularly in regard to judicial reform and elections. Moreover, the institutional capacity of the Government to deal with the challenges ahead, in both the short and the long term, must be strengthened. Good governance at all levels must be ensured. Strategic planning and operational coordination must be strengthened both nationally and among the international donors in Burundi. Of particular concern is the need to harmonize short-term reintegration and humanitarian assistance with long-term economic reform and development. The Government should urgently address the issue of land reform in a transparent and open manner.

108. At the core of the peace process is the question of impunity. Horrendous abuses of human rights and violations of international humanitarian law have been committed by all sides in the Burundi conflict. There are a number of steps the Government must take in this regard. It is a sensitive process, yet a necessary one. The international community must work together with the people of Burundi in finding the right path towards national reconciliation. I call on the Government and people of Burundi to do their part in a true spirit of genuine national reconciliation to overcome the horrors of the past and build a peaceful future.

109. In conclusion, I would like to congratulate the President of the Transitional Government of Burundi, Domitien Ndayizeye, and his predecessor, Pierre Buyoya, for the courage they have shown in leading the transitional process. I would also like to pay tribute to my Special Representative, Berhanu Dinka, and all the personnel of UNOB, the United Nations country team and the humanitarian community for the contribution they are making towards the restoration of peace in Burundi. I also wish to commend the African Union and AMIB for their exceptional achievements in bringing stability to Burundi, as well as to the countries of the Regional Initiative, Uganda and the United Republic of Tanzania, and the Facilitation led by South Africa, for the role they have played in advancing the peace process.

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Security Council
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Review of the implementation of the Declaration on the Strengthening of International Security

Measures to eliminate international terrorism

Identical letters dated 16 March 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

On Sunday, 14 March 2004, two Palestinian terrorists perpetrated a double homicide bombing at the Port of Ashdod, killing 10 Israelis and wounding 18, one critically. The assailants used high-grade plastic explosive devices containing ball bearings to inflict maximum pain and injury on the victims. The force of the bombs, which exploded approximately 100 yards apart, caused the roofs of numerous port office buildings to collapse and threw many of the victims a long distance from the blast. The murdered were Gil Abutbul, 31, Dan Asulin, 51, Avi Avraham, 34, Zion Dahan, 30, Mazal Marzianno, 30, and Moris Tubul, 30, all of Ashdod; Ophir Damari, 31, and Moshe Hendler, 29, both of Rechovot; Avi Suissa, 55, of Kiryat Malachi; and Pinchas Avraham Zilberman, 46, of Tel Aviv. Hamas and Yasser Arafat's own Fatah Al-Aqsa Martyrs Brigades claimed responsibility for the attack and identified the bombers as Nabil Ibrahim Masoud and Muhammad Zahil Salem, both 18 and residents of Jabalya in the northern Gaza Strip.

The homicide bombers exploded Sunday just several hundred metres from a cluster of bromine tanks. Had the terrorists succeeded in detonating the bombs closer to the tanks, the effects could have been even more devastating, with poisonous gases spreading to a 1.5-kilometre radius, killing many more people.

The terrorist attack in Ashdod follows a number of terrorist attempts that were averted by Israel's defence forces. These include a triple suicide bombing planned by Yasser Arafat's Fatah Al-Aqsa Martyrs Brigades, which was averted when one of the three bombers, a Palestinian woman from Schem (Nablus), was intercepted by Israeli security personnel. The other two members of her cell were planning to board a public commuter bus in central Israel and detonate their explosives. The female

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would-be bomber was instructed to wait, dressed up as a volunteer of Magen David Adom (Israel's emergency medical service), for the arrival of rescue forces and to set off her explosive belt among them. This plan of using medical attire as a disguise in order to target rescue workers tending to the injured after a terrorist attack is a horrific demonstration of the depravity of the terrorism that Israel is compelled to confront on a daily basis.

These attacks further demonstrate the brazen unwillingness of the Palestinian leadership to fulfil its counter-terrorist obligations, in violation of the most basic obligations of international law, human rights, Security Council resolutions and the road map. In his remarks yesterday to the Israeli Parliament, the Knesset, Prime Minister Ariel Sharon said,

> "The Palestinian leadership has done nothing; it has not carried out arrests, it has not fought against terrorism, it has not confiscated weapons and has not stopped incitement in media, schools and mosques. On the one hand, Fatah takes responsibility for terror attacks, and on the other, they condemn in English the attack. The Palestinians must understand that the only way to peace is to battle terror and incitement."

Israel calls upon the international community to make clear to the Palestinian leadership and to those regimes sponsoring terrorism in the region its absolute rejection of terrorist tactics and its acceptance of nothing less than the complete dismantling of terrorist organizations and relentless efforts to prevent terrorism and bring its perpetrators and supporters to justice in accordance with international law, signed agreements between the parties and Security Council resolutions, in particular resolution 1373 (2001). Only a united and uncompromising stand against the perpetrators of these crimes — in all international and domestic forums — can bring an end to the Palestinian strategy of terrorism and violence and make peace between the peoples of the region possible. Rewards for the continuing Palestinian policy of intransigence and terror, in the form of political concessions or the toleration of one-sided initiatives in the organs of the United Nations can only embolden the terrorists and undermine efforts aimed at achieving a peaceful settlement.

I submit the present letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism launched in September 2000, which document the crimes for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 156 and 67, and of the Security Council.

(*Signed*) Ambassador Arye **Mekel**
Chargé d'affaires a.i.

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Review of the implementation of the Declaration on the Strengthening of International Security

Measures to eliminate international terrorism

Identical letters dated 16 March 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

Yesterday, 15 March 2004, Israeli security forces thwarted a homicide bombing when they detained a 12-year-old Palestinian boy, Abdallah Quran, while he was attempting to smuggle a powerful bomb through the Hawara checkpoint, south of Nablus. Exploiting his innocent appearance, two Nablus-based Tanzim terrorists had recruited the boy to transport a bag carrying a fully armed explosive device through the checkpoint and promised him a large sum of money if he would hand it to a woman waiting on the other side. Israeli security forces noticed a suspicious-looking bag in the boy's possession and, upon examining it, discovered a 7-to-10-kilogram explosive charge packed with metal shards, bolts and shrapnel. Subsequently, the boy told the soldiers that he was unaware that he was even carrying the bomb. The terrorists, members of Chairman Yasser Arafat's own Fatah faction, had planned to use the boy as an unwitting suicide bomber, intending to detonate the explosive with a mobile phone as the boy passed near Israeli security forces.

This grave maltreatment of an innocent 12-year-old Palestinian boy brings to a new level of cruelty the tactics of the terrorist organizations operating freely in Palestinian territory. The phenomenon of the exploitation of children by these organizations for the purpose of carrying out terrorist attacks and suicide bombings poses a contemptible and criminal affront to the most basic obligations of human rights and decency. The ongoing failure of the Palestinian leadership to prevent the shameless abuse of children in the terrorist campaign denotes an act of wilful neglect that deserves the condemnation of the international community.

In recent months, three additional attacks involving Arab teenagers have been thwarted, including a homicide attack in Israel by a 17-year-old boy who blew

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himself up near Jinspot, a village east of Qalqilya; a shooting attack in Afula by three teenagers, 13 to 15 years old, who were arrested near an army roadblock in Jenin; and an attempt to smuggle munitions from Egypt in the Rafah area by teens aged 11 to 14 years.

Since the start of the Palestinian campaign of violence in September 2000, minors have successfully carried out 29 suicide attacks, and since January 2001 alone, more than 40 Palestinian minors have been arrested in thwarted suicide attacks. Children are increasingly recruited by Palestinian terrorist organizations for attacks because they can easily pass through crowded areas without arousing suspicion. This practice severely harms the freedom of movement of Palestinian residents and underscores the importance of Israeli security measures. Today Palestinian children and young people are recruited to carry out violent attacks, including suicide bombings, and to assist in a variety of terror-support activities, including the smuggling of arms, spying and digging tunnels. The Palestinian leadership and the Palestinian Authority continue to do nothing to stop the terrorist activity, including the abuse of Palestinian children.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 156 and 67, and of the Security Council.

(*Signed*) Ambassador Arye **Mekel**
Chargé d'affaires a.i.

United Nations S/2004/213

Security Council

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Letter dated 12 March 2004 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

The Governing Council of the United Nations Compensation Commission has concluded its fifty-first session, which was held at Geneva from 9 to 11 March 2004. During the opening plenary meeting of the fifty-first session the Council elected Ambassador Costa of Romania, by acclamation, as a new Vice-President of the Council.

During the opening plenary meeting of the fifty-first session representatives of Kuwait and Saudi Arabia addressed the Council. Their respective statements are being sent by mail with the original of this letter.

During the session the Council considered two reports and recommendations made by the Panels of Commissioners in the D category of claims, together with the second instalment of Palestinian category C late claims. The reports on category D claims concern the review of individual claims for damages above US$ 100,000 and the Palestinian report concerns the review of individual claims for damages up to $100,000. The attached tables provide details of the amounts of compensation claimed in the reports and the amounts awarded by the Governing Council. The total amount awarded in all of the reports approved at this session is $203,804,511.74.

The Governing Council considered the report of the Executive Secretary: summary of activities, covering the period from 1 November 2003 to 31 January 2004, together with the oral addendum to the report of the Executive Secretary made at the opening plenary meeting. The report covers the processing of claims, the withdrawal of claims and the payment of approved claims.

The Council discussed the arrangements for ensuring that payments are made into the Compensation Fund in the light of information provided by the secretariat. The Council took note of the information, requested the secretariat to provide further information on this issue as it becomes available and will keep the matter on its agenda.

The Council discussed several issues relating to the processing and payment of claims, including the twenty-fifth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure, and approved corrections to certain category A, C and D claims.

The Council considered the issue of duplication of awards and recommended that the matter be kept on its agenda.

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The Council continued its consideration of the requests by the Governments of India, the Islamic Republic of Iran, Pakistan, the Philippines, Sri Lanka and the Syrian Arab Republic for the submission of claims of individuals to the Commission after the expiration of the established deadlines for the submission for the filing of such claims.

At the fiftieth session the Governing Council requested each of the Governments to limit their proposed late claims that they considered to satisfy the previously established criteria for the acceptance of late claims (the "Canadian criteria"), namely the inability to file claims within the original filing period, owing to the existence of a war situation or civil disorder, and evidence of a prior attempt to file the claims within the relevant filing deadlines, and to submit such claims to the Commission by 31 January 2004. Governments were notified of the Governing Council's request by a letter dated 24 December 2003.

A subgroup of the Working Group considered samples of claims, in the light of the previously established criteria, submitted by the Governments of the Islamic Republic of Iran, Pakistan, the Philippines, Sri Lanka and the Syrian Arab Republic, discussed this issue and heard presentations from the Governments at meetings held on 13, 17, 19, 24 and 26 February and 4 March 2004. The Council noted that the total number of late claims that each Government submitted to the Commission by 31 January 2004 is as follows: the Government of the Islamic Republic of Iran — 7,125 claims; the Government of Pakistan — 2,067 claims; the Government of the Philippines — 309 claims; the Government of Sri Lanka — 402 claims; and the Government of the Syrian Arab Republic — 264 claims.

Following extensive discussion the Council decided to accept the following claims for filing, on the basis of the previously established Canadian criteria and the circumstances pertaining to particular regions in each respective country and to refer them to the category D Panels of Commissioners for review:

(a) From the Government of Iran: 2,385 claims from claimants residing in the provinces of Kurdistan, Kermanshah and Khuzestan, comprising category A claims;

(b) From the Government of Pakistan: 859 claims from claimants residing in Pakistani administered Jammu and Kashmir, and in the Jhelum district of Punjab province, comprising category A and C claims;

(c) From the Government of the Philippines: 309 claims from claimants residing in the Central Luzon and Mindanao regions, comprising category A and C claims;

(d) From the Government of Sri Lanka: 402 claims from claimants residing in the Northern and Eastern provinces, comprising category A claims.

The Council requested that the Panels of Commissioners should be required to verify that each claimant was resident during the original filing period in the particular province or region of their respective country as referred to above.

The Council noted that, rather than presenting claim files that it felt met the established criteria, the Government of India responded to the secretariat's letter of 24 December 2003 by reiterating its request that such criteria should not be applied to the claims and that the claims be accepted for filing.

The Council concluded that claims included in the request made by the Government of the Syrian Arab Republic, with the possible exception of one claim concerning an individual who had been taken prisoner, do not meet the previously established criteria and therefore cannot be accepted for filing. The Council asked that the Government of the Syrian Arab Republic be requested to provide further information concerning that one claim and that the claim be referred to the category D Panel of Commissioners for determinations on both admissibility and the merits of the claim.

Finally, the Council decided that it would not consider or accept any further requests for the submission of late claims, and adopted decision 219 (S/AC.26/Dec.219 (2004)) in this respect. The Council also requested the secretariat to accordingly inform claimant Governments that enquire about this issue in the future of its decision.

The Council further considered the request made by the delegation of Kuwait at the opening plenary meeting of the forty-seventh session concerning the late filing of a number of individual claims from the bedoun living in Kuwait. Pursuant to the request made by the Governing Council at the forty-eighth session, the secretariat sent a list of questions in order to solicit further information from the Government of Kuwait on this issue, to which the Government responded. The Government of Kuwait also provided a further White Paper on this matter and made an oral presentation at the meeting of the subgroup on late claims held on 4 March 2004.

The Council requested that, without prejudging the question of the admissibility of such claims, the secretariat, in consultation with the relevant authorities in Kuwait, establish the nature and availability of information concerning the proposed bedoun claimants, and obtain a definitive list of such claims as well as information as to the types of losses and amounts of compensation to be requested, together with samples of the evidence that such claimants would be able to provide. The Council also requested the secretariat to present a report to the Working Group on options for ensuring that the processing of such claims would be completed as soon as possible, as well as relevant financial implications, for the Working Group's consideration at an informal meeting to be held prior to the next session.

The Council further considered requests made by the Government of Kuwait with respect to the claims that it will file with the Commission pursuant to Governing Council decision 12, relating to the 605 former detainees in Iraq determined to be dead. With respect to the determination of an amount of compensation for the claims of family members of deceased detainees relating to mental pain and anguish, the Council adopted decision 218 (S/AC.26/Dec.218 (2004)), which sets out, on a per family basis, an amount of compensation of $1,100 per month during the 13-year period of uncertainty about the fate of the detainees, with a ceiling of $200,000 for the cumulative awards made under this decision and decision 8, which awards compensation for the mental pain and anguish from the death of a family member.

The Council considered the request for the filing of 23 claims under categories C and D that were not previously filed within the deadlines established by the Governing Council because of a sincerely held belief by the claimant that, because of their family relationship to a detainee, harmful consequences might result for the detainee if the claim was filed. The Council noted that a large number of family

members of deceased detainees were able to file their claims within the relevant filing period and therefore recommended that these claims not be accepted for filing.

The Council also considered the request made by the Government of Kuwait at the opening plenary meeting of the session concerning the late filing of a Kuwaiti Government claim relating to the costs of locating, identifying and recovering the remains of deceased detainees, and did not accept the claim for filing.

The Council considered and took note of the report of the Executive Secretary on the distribution of payments and transparency, and the return of undistributed funds, and requested the secretariat to continue to inform the Council of the reports of Governments and international organizations on the distribution of payments and the return of undistributed funds.

The Council considered the payment of environmental claims and noted the presentation made by the Government of Saudi Arabia at the opening plenary meeting of the session on this issue; the Council recommended that this matter be kept on the agenda of the Governing Council for further consideration.

The Council received the fifth report of the F4 Panel of Commissioners, pursuant to Governing Council decision 132, concerning the tracking of awards made for environmental monitoring and assessment projects. Paragraph 5 of the report contains a recommendation from the Panel of Commissioners that claimant Governments be requested to certify in their final reports to the Panel that the awarded funds have been managed and distributed in accordance with the system previously described by them to the Executive Secretary, and have been audited in accordance with the Governments' generally accepted auditing standards. The Council adopted this recommendation.

The Council also considered the monitoring of the use of compensation awards in the light of a request made by the Governments of Kuwait and Saudi Arabia relating to the Panel's recommended remediation methods on the basis of which the Governing Council approved such awards. The Council referred the issue of the monitoring of the use of compensation awards, and the issue raised by the Governments of Kuwait and Saudi Arabia, to a future meeting of the Working Group for its further consideration, and decided to keep these matters on the agenda for the next session. The Council also referred the issue of the amendment of environmental claims by claimants to a future informal meeting of the Working Group and requested the secretariat to prepare an information note on this issue.

With respect to the audit review of the activities of the Compensation Commission, the Council heard a presentation by the secretariat concerning the latest developments in the discussions between the Executive Secretary and the Office of Internal Oversight Services, namely the stated intention of the Office of Internal Oversight Services to cease its auditing of the Compensation Commission on 1 April 2004. The Council encouraged the Executive Secretary to continue his discussions with the Office and ensure that there is no break in the audit coverage of the Commission.

The Council further considered two recommendations made by the Board of Auditors, the first being joint inspection missions by the Office of Internal Oversight Services and the Compensation Commission. The Council concluded that this issue may again be reviewed should the need arise. The Council considered the second recommendation, regarding the processing fees deducted by Governments, in the

light of an information note prepared by the secretariat. While taking note of the information provided, the Council did not reach consensus on accepting this recommendation, and requested the secretariat to provide annually updated information as to the amounts of processing fees deducted by Governments for the Working Group's further consideration in the future.

Finally, the Governing Council decided to hold its fifty-second session from 29 June to 1 July 2004.

To date, the Commission has awarded compensation of approximately $48.2 billion, including the awards approved at the fifty-first session, and approximately $18.2 billion of the amounts awarded have been made available to Governments and international organizations for distribution to successful claimants in all categories of claims. The payments to successful claims approved by the Council at the fifty-first session will be made in the next round of payments, in accordance with Governing Council decision 197, scheduled for 6 April 2004. At the end of February 2004 the balance of the Compensation Fund was approximately $171 million.

(*Signed*) Michael **Steiner**
President of the Governing Council

Annex I

Summary of recommendations

A. Report and recommendations made by the D2 Panel of Commissioners concerning part two of the sixteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2004/1)

Country or international organization	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Austria	-	2	923 489.38	nil
Bangladesh	1	-	842.93	842.93
Canada	1	1	409 631.54	202 605.00
Egypt	2	-	2 950 238.76	1 681 603.17
France	1	1	582 446.47	45 755.09
Germany	-	2	814 631.71	nil
India	10	3	6 133 992.92	2 214 682.05
Israel	-	1	97 895.25	nil
Italy	3	-	1 048 105.04	255 117.41
Jordan	45	8	174 366 848.85	16 113 327.93
Kuwait	126	2	155 343 091.82	79 374 196.32
Lebanon	3	1	1 234 644.13	233 286.95
Pakistan	2	-	825 363.32	373 477.34
Russian Federation	1	-	223 003.46	21 540.42
Saudi Arabia	5	13	15 714 358.85	1 107 987.92
Spain	-	1	205 444.27	nil
Syrian Arab Republic	9	3	7 432 527.22	2 050 069.11
Turkey	1	-	498 985.00	93 758.80
United Arab Emirates	-	1	89 519 368.02	nil
United Kingdom	3	5	16 872 311.20	44 029.50
United States	10	2	7 180 710.45	1 152 757.29
Yemen	7	1	3 001 726.30	761 324.38
UNDP Washington	3	1	1 003 257.15	137 461.22
UNRWA Gaza	1	-	236 946.51	78 798.19
Total	**234**	**48**	**486 619 860.55**	**105 942 621.02**

B. Report and recommendations made by the D2 Panel of Commissioners concerning part two of the seventeenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2004/2)

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
India	16	4	4 576 524.57	759 938.21
Israel	1	-	1 115 000.00	134 150.57
Jordan	58	5	63 100 926.92	13 541 983.51
Kuwait	132	11	118 438 098.45	69 363 985.19
Lebanon	1	-	433 529.41	29 131.01
Pakistan	22	-	10 139 069.48	3 096 506.48
Saudi Arabia	24	24	51 946 849.91	3 034 921.54
Thailand	1	-	107 231.83	5 901.73
Turkey	-	1	3 933 000.00	nil
Yemen	3	1	3 674 604.32	72 790.15
Total	**258**	**46**	**257 464 834.89**	**90 039 308.39**

C. Report and recommendations made by the Panel of Commissioners concerning the first instalment of Palestinian late claims for damages up to $100,000 (category C claims) (S/AC.26/2003/26)

Submitting entity	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Number of duplicate claims*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Palestinian Authority	390	8	8	19 495 152.43	7 822 582.33

Annex II

Documents before the Compensation Commission at its fifty-first session

1. Report and recommendations made by the D2 Panel of Commissioners concerning part two of the sixteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2004/1).
2. Decision concerning part two of the sixteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.214 (2004)).
3. Report and recommendations made by the D1 Panel of Commissioners concerning part two of the seventeenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2004/2).
4. Decision concerning part two of the seventeenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.215 (2004)).
5. Report and recommendations made by the Panel of Commissioners concerning the second instalment of Palestinian late claims for damages up to $100,000 (category C claims) (S/AC.26/2004/3).
6. Decision concerning the second instalment of Palestinian late claims for damages up to $100,000 (category C claims) (S/AC.26/Dec.216 (2003)).
7. Twenty-fifth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/2004/4).
8. Decision concerning corrections of awards pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/Dec.217 (2004)).
9. Decision concerning the determination of an amount of compensation for the claims of family members of deceased detainees relating to mental pain and anguish (S/AC.26/Dec.218 (2004)).
10. Decision concerning requests for the late filing of claims (S/AC.26/Dec.219 (2004)).